

**53-9-113 Grounds for denial of a license -- Appeal.**

- (1) The board may deny a license or the renewal of a license if the applicant has:
  - (a) committed an act that, if committed by a licensee, would be grounds for probation, suspension, or revocation of a license under this chapter;
  - (b) employed or contracted with a person who has been refused a license under this chapter or who has had a license revoked;
  - (c) while not licensed under this chapter, committed, or aided and abetted the commission of, any act for which a license is required by this chapter; or
  - (d) knowingly made a material misstatement in connection with an application for a license or renewal of a license.
- (2)
  - (a) The board's denial of a license under this chapter shall:
    - (i) be in writing;
    - (ii) describe the basis for the denial; and
    - (iii) inform the applicant that if the applicant desires a hearing to contest the denial, the applicant shall submit a request in writing to the board within 30 days after the denial has been sent by certified mail to the applicant.
  - (b) The board shall schedule a hearing on the denial for the next board meeting after the applicant's request for a hearing has been received by the board.
- (3) The decision of the board may be appealed to the commissioner, who may:
  - (a) return the case to the board for reconsideration;
  - (b) modify the board's decision; or
  - (c) reverse the board's decision.
- (4) The commissioner shall promptly issue a final order and send the order by mail to the applicant.
- (5) Decisions of the commissioner are subject to judicial review pursuant to Section 63G-4-402.

Amended by Chapter 432, 2011 General Session